



MAYOR'S OFFICE OF EQUAL OPPORTUNITY

**FANNIE M. LEWIS
CLEVELAND RESIDENT EMPLOYMENT
LAW
NOTICE TO BIDDERS**

City of Cleveland

Frank G. Jackson, Mayor

**Natoya J. Walker Minor, Interim Director
Office of Equal Opportunity**

NOTICE TO BIDDERS

I. Introduction and Substance

The Office of Equal Opportunity is responsible for administering the City of Cleveland's Fannie Lewis Resident Employment Law, Chapter 188 of the Codified Ordinances of the City of Cleveland (hereinafter Chapter 188). Chapter 188 is designed to increase employment opportunities for Cleveland residents on construction contracts funded by the City of Cleveland. The law specifically targets **construction projects**. Chapter 188 is race and gender neutral. Outlined in this document are critical areas that contractors and City of Cleveland Departments should be aware of regarding Chapter 188:

1. All Construction Contracts for the City of Cleveland where the City will expend \$100,000.00 or more must comply with Chapter 188.
2. The CONTRACTOR must designate a principal officer (the "Resident Employment Law Officer") of its organization as the person responsible for administering the requirements that Chapter 188 imposes on the Contractor and its Subcontractors under a Construction Contract and as the principal liaison and point of communication with the City.
3. Under Chapter 188 the PRIME CONTRACTOR to whom the contract is awarded is responsible for submission of all reports and compliance with all requirements within this Statute.
4. Under Chapter 188 20% of all work hours performed on an applicable contract must be performed by Cleveland residents (Resident Construction Worker Hours). Additionally, there is a 4% Low Income Persons' objective calculated from the 20% requirement (the low income persons are also Cleveland Residents). Low income status is determined by guidelines established by the United States Department of Housing and Urban Development. The table used to determine eligibility by the United States Department of Housing and Urban Development is included in this document.
5. **The City of Cleveland's Department of Economic Development, Division of Workforce Development (The Employment Connection) will provide assistance in finding eligible Cleveland Residents and Low Income Persons for Contractor's compliance with Chapter 188. Please contact Randy Hill at The Division of Workforce Development (216)664-4673 ext. 386 for further information.**
6. Cleveland Residents employed by the Contractor or Subcontractor as skilled or unskilled Construction Trade Workers at the time that work on a construction contract begins, but who are otherwise employed for the Contractor or Subcontractor on projects that are not pursuant to a City of Cleveland Construction Contract, may be counted toward the above stated Resident Construction Worker Hours upon presentation of documentary proof to the Director of The Office of Equal Opportunity (OEO).
7. Ten days prior to commencement of work contractors must submit an Initial Workforce Table that identifies the total estimated hours for each job classification (i.e. plumbers, carpenters, laborers etc.) by month for the duration of the project. The Initial Workforce Table is submitted by the prime contractor but shall include the sub-contractor's work hours also. It is the sole responsibility of the **PRIME CONTRACTOR** to submit the Initial Workforce Table.

8. Please note that the estimated hours provided in the Initial Workforce Table are to be used by the Contractor as a planning tool. Contractors must demonstrate a genuine effort to reflect the amount of hours anticipated to complete the project. The estimated hours allow the Contractor to ensure that staffing for the project is done in compliance with the statute. Once construction commences, the actual work hours performed are reported to the Office of Equal Opportunity on a monthly basis. **THE ACTUAL WORK HOURS REFLECTED IN THE MONTHLY WORK FORCE TABLE AND CERTIFIED PAYROLL ARE USED TO DETERMINE COMPLIANCE AND OR PENALTIES AT THE END OF THE PROJECT.**
9. Listed below are a number of ways in which a Contractor could possibly breach its contractual obligation and be subject to penalties under Chapter 188:
 - a) The Contractor fails to provide required reports used for monitoring compliance with Chapter 188. The penalty for this type of breach is 1/8 of 1% of the final amount of the Construction Contract for the 20% Resident Construction Hours requirement. The Contractor must submit a Monthly Workforce Table and Certified Payroll according to a submission Schedule provided within this document. The Monthly Workforce Table and submission Schedule are available upon request from the Office of Equal Opportunity. The Monthly Workforce Table and Certified Payroll are due the third Monday of each month for all work performed the previous month.

A Contractor has failed to submit a required report (Work Force Table or Certified Payroll) when:

1. It does not submit the report on the due date or by the date established by the Director if an extension has been granted.
2. It is responsible for updating and submitting the report when it is due and fails to do so.

Please note that the penalty is assessed as an "all or nothing" penalty. The penalty is calculated as if no residents were employed on the contract. *Please see Codified Ordinances Chapter 188 §188.05(a-c).*

- b) The Contractor fails to meet the 20% residency participation requirement. The penalty for this type of breach is **1/8 of 1% of the final total amount of the Construction Contract** for each percentage point or fraction thereof that the contractor has fallen short of meeting the requirement. *§188.05(b)*. (Calculation example: contract amount=\$100,000.00 contractor completes 19.02% of the 20% residency requirement, penalty is assessed at .00125(1/8th of 1%) X .98(20%-19.02%) X \$100,000.00 = \$122.50).
- c) The Contractor fails to meet the 4% low income resident participation requirement. The Director of OEO will determine if a penalty is warranted upon the completion of the project. If the Director determines that a penalty is appropriate, the penalty for this type of breach is 1/8 of 1% for each percentage of shortfall of the 4% low income persons objective. Please note that this penalty is assessed upon the total amount of the Construction Contract §188.05(b).
- d) The Contractor submits falsified reports under Chapter 188. In addition to the aforementioned penalty, the Contractor shall be subject to the following:
 - A misdemeanor of the first degree and
 - A fine of not more than \$5,000.

- If convicted, the Contractor will be barred from contracting with the City for five (5) years.
 - Thereafter the Contractor may be required to post a surety bond of 20% in addition to the usual performance bond.
 - Retainage may be withheld by the City pending the determination of the Director.
10. Any contractor that has difficulty complying with the requirements of Chapter 188 may seek a reduction in writing from the Director of OEO. The Contractor should submit any request for reduction as soon as it realizes that a reduction is needed. Any reduction that is not submitted in a timely manner is subject to denial. The Director of OEO must determine whether any request for a reduction is warranted. Under Chapter 188 there is no provision for an absolute waiver of any requirement.
11. Please contact the Office of Equal Opportunity regarding questions or concerns not addressed in this Notice to Bidders oeo@city.cleveland.oh.us or by phone (216)664-4152. Chapter 188 is the final governing law for purposes of this Notice and applicable contracts. Chapter 188 pre-empts any inconsistencies that may exist in these Notice to Bidders.

Upon award of contract, the Office of Equal Opportunity will provide the necessary forms to effectively administer the intent and purpose of Chapter 188.

II. Required Documents and Reports

1. **Initial Work Force Table** identifies the *estimated work hours* by job classification for the entire project. The Initial Work Force Table is due ten days prior to commencement of work on the construction project.
2. The **Monthly Work Force Table** identifies the *actual work hours* performed on the project and changes made to the estimated Work Force provided in the Initial Work Force Table. The **Monthly Work Force Table** is due on the third Monday of each month for work performed during the month prior. The submission schedule is attached with this Notice. **The Initial/ Monthly Work Force Table is available from the Office of Equal Opportunity.**
3. **Certified Payrolls** are due on the third Monday of each month for work performed the previous month. The scheduled submission dates are attached with this Notice. Certified Payrolls shall be submitted on United States Department of labor WH-347 form or equivalent, in a format specified by the Director. The Certified Payrolls must contain the following:
 - a) The actual residence of every employee on each certified payroll, a post office box is **not** sufficient to verify residency.
 - b) The employee's name
 - c) The first time an employee's name appears on a payroll, that employee's date of hire must appear after their name.
 - d) The employee's social security number.
 - e) The employee's job classification
4. To Request a reduction:
 - a) The Contractor must complete and submit a **Request for Reduction** form to seek a reduction. If a reduction is requested due to the complexity of the work to be performed, the Contractor shall provide a written explanation for the reduction. The Request Must be

accompanied by a Referral Source Verification Form (attached in this Notice) OR a copy of the Job Order Verification Form from the Employment Connection (available from the Employment Connection when the service is utilized).

- b) **Referral Source List** – list of designated companies and agencies from which Contractors may seek referrals of Residents or Low Income Persons. The list of referral sources and the Referral Source Verification Form are attached in this Notice.
- c) **Referral Source Verification** – form to be completed by a Referral Source, which a Contractor must submit with a Request for Reduction. Please see “a” above.

III. Resident Employment Requirement / Employee Residence Verification

1. Two of the first three documents listed below are required to establish the residence of record for a prospective employee:
 - a) Driver’s license or an identification card of a federal, state or local government or government agency with a color photograph of the Resident.
 - b) Voter’s Registration Card
 - c) A utility bill showing the Resident’s name and address and other documents that the Director determines establish residence.
 - d) A valid United States Passport
 - e) Present or former employer identification card with name and photograph.

2. Full access to employment records for three (3) years:

Every Contractor and Subcontractor working on a City of Cleveland Construction Contract must grant, upon demand, without notice, full, unrestricted access to the Director, his designated agents, the City Chief of Police or any of their authorized representatives, of the Contractor’s or Subcontractor’s employment records that the Director determines document compliance with the Resident Employment Law.

IV. The Low Income Persons Objective

Low Income Person means a Resident who is a member of a family having an income equal to or less than the section 8 very low income limit established by the Department of Housing and Urban Development (HUD).

HUD SECTION EIGHT INCOME LIMITS (Revised March 2009)

HOUSE HOLD SIZE	VERY LOW INCOME LIMIT
1	\$22,700
2	\$25,900
3	\$29,150
4	\$32,400
5	\$35,000
6	\$37,600
7	\$40,200
8	\$42,750

Documents that verify the status of a Resident as a Low Income Person:

1. Award Letter (or current print out) for Unemployment, VA, Worker’s Compensation, SS, SSI, Welfare, Retirement, Etc. Indicating the Resident’s anticipated income for the next 12 months.

2. Employer's Address, Phone Number, Fax Number. Statement from employer indicating the anticipated income for the next 12 months.
3. Child support official court printout of payment. If dependent children live with resident, the resident must present a notarized statement or a court printout stating that they do not receive child support.
4. Birth Certificates for all members of the household or an I-9 sustaining naturalization/immigration for all members of the household.
5. The Director of the Office of Equal Opportunity will consider other forms of appropriate documentation or combinations of the aforementioned at their discretion.

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

Name
Outcome: Hired Already Employed Did not respond Not interested Other
(please explain) _____

**CHAPTER 188 NOTICE TO BIDDERS
 FANNIE M. LEWIS CLEVELAND RESIDENT EMPLOYMENT LAW
 REQUEST FOR REDUCTION**

PROJECT: _____
DEPARTMENT: _____
CONTRACTOR: _____

I, _____, an officer of the above-named Contractor, attest that Contractor has used efforts to the greatest extent feasible to hire residents and has been unable to comply with the residency ordinance, as evidenced by the attached Referral Source Verification Affidavit(s). Contractor attests that timely notice was provided to said Referral Sources of the need for residents. Contractor attests that it has demonstrated the high impracticality of complying with this percentage level for this project and/or classes of employees.

- Due to high impracticality (attach Referral Sources Verification)
- Unforeseen circumstances List: _____
- For the following scope of work items to be performed during the month(s) of _____, after which time Contractor will use efforts to the greatest extent feasible to hire residents during the remaining term of the project. Scope of Work: _____

_____	_____
Date	Printed Name
_____	_____
Title	Signature
	NOTARY:
Construction Start Date: _____	My Commission expires: _____

- The Director of the Office of Equal Opportunity has determined that a lesser percentage of Residents is appropriate with respect to the above-named construction project and hereby grants Contractor's Request for a Reduction of Resident Employment Law to _____ percent (___%).
- The Director of the Office of Equal Opportunity has determined that Contractor has not used efforts to the greatest extent feasible to comply with the Resident Employment Law, therefore Contractor's Request for Reduction of the Resident Employment Law is hereby denied for the following reasons: _____.
- The Director of the Office of Equal Opportunity has determined that Contractor has not demonstrated the high impracticality of complying with the Resident Employment Law, therefore Contractor's Request for Reduction of the Resident Employment Law is hereby denied for the following reasons: _____

_____	_____
Date	Natoya J. Walker Minor, Director

REFERRAL SOURCE LIST

The Employment Connection
(WIA) City, County, Veterans
1020 Boliver Rd
Cleveland, Ohio 44115
216.664.4673

American Red Cross
3747 Euclid Ave.
Cleveland, Ohio 44114
Contact: Pam Oliver
216.431.3010

Catholic Charities Training/ Employment
3135 Euclid Ave
Contact: Vanessa Lee
216.426.9870

Esperanza Inc.
4115 Bridge Ave.
Cleveland, Ohio 44114
Contact: Zoraida Valentin
216.651.7178

Urban League of Greater Cleveland
2930 Prospect Avenue E
Cleveland, Ohio 44115
216.622.0999

Spanish American Committee
Employment Services
4407 Lorain Ave
Cleveland, Ohio 44113
Contact: Sergio Rios
216.961.2100

Hard Hatted Women
4220 Prospect Avenue
Cleveland, Ohio 44103
Contact: Terry B. Sandu
216.861.6500 ext. 14

United Labor Council Agency
3328 Carnegie Ave.
Cleveland, Ohio 44114
Contact: Steve Newman
216.391.0900

AFL-CIO Federation of Labor
3250 Euclid Ave
Cleveland, Ohio 44114
Contact: John W. Ryan
216.881.7200

Polaris Career Center
7285 Old Oak Blvd.
Middleburg Hts., Ohio 44130
Contact: Maria Phillips
440.891.7750

El Barrio Employment Services
1255 Euclid Ave
Cleveland, Ohio 44102
Contact: Angelo Figueroa
216.651.2037

Black Trade Council
7511 Sagamore Ave.
Cleveland, Ohio 44101
Contact: George Edward
216.431.7899

UCIP-ASAP
3515 Prospect Ave.
Cleveland, Ohio 44115-2619
Contact: Yvette Hassan
216.432.7037

Max Hayes Adult Job Training Program
4600 Detroit Ave.
Cleveland, Ohio
Contact: Jacquelyn Comeaux, Coordinator
216.634.2159
Karen Cunningham-Frank, Job Developer
216.634.2158

AFSCME Local 100 Union
1603 East 27th St
Cleveland, Ohio 44114
Contact: Derek Pollard
216.781.0408

UNION BUILDING & CONSTRUCTION APPRENTICESHIP PROGRAMS

Asbestos Workers (4 year program)

1617 E. 30th St.
Cleveland, Oh. 44114
Contact: Scott Sullivan, Business Mgr.
Edward Price III, Apprenticeship Coordinator
216.621.3522

Boilermaker (4 year Program)

1435 E.13 St
Cleveland, Oh. 44114
Contact: Patric Gallager
216.241.2085

Bricklayer (3 year program)

5171 Hudson Drive
Hudson, Oh 44236
Contact: Anthony McClough
330.463.5501

Iron Worker (4 year program)

1542 E. 23rd St.
Cleveland, Oh 44114
Contact: Timothy McCarthy
216.685.1781

Operating Engineer (4 year program)

4675 Newton Rd.
Richfield Oh 44286
330.659.4115

Plasterer (6000 hours)

1651 E. 24 St.
Cleveland, Oh. 44114
Contact: Gary Sefcik
216.771.5399

Residential Wireman (2 year program)

9333 Sweet Valley Dr.
Valley View, Oh. 44125
Contact: Dennis Meany
216.621.3090

Sheet Metal Worker (5 year program)

12525 Corporate
Parma Oh 44130
Contact: John Nesta
216.267.0151

Electrician (5 year program)

9333 Sweet Valley
Valley View, Oh. 44125
Contact: Eugene Stepanik, Director
216.573.0400

Cement Mason (3 year program)

1417 E. 25th Street
Cleveland, Oh. 44114
Contact: Rusty Maglionico, Business Mgr.
216.771.3929

Glazier (4 year program)

216.771.4896

Laborer (3 year program)

3250 Euclid Av.
Cleveland, Oh. 44115
Contact: John Kilbane, Coordinator
216.881.5901

Pipefitter (5 year program)

6305 Hally Dr.
Cleveland, Oh. 44125
Contact: Terry Urbanek
216.771.5399

Plumbers (5 year program)

980 Keynote Circle
Brooklyn Heights, Oh. 44131
Contact: Sean Greller
216.459.2900

Roofer & Water Proofers (3 year program)

1651 E. 24 st.
Cleveland, Oh. 44114
Contact: Sandra Mazeli
216.391.4215

Tile Layer (3 year program)

4205 Chester Ave.
Cleveland, Oh. 44103
Contact: Dan Zavagno
216.426.8552

Office of Equal Opportunity
Monthly Report and Affidavit - Workforce Table - Certified Payroll Reports
SUBMISSION SCHEDULE

All required OEO reporting must be submitted to the Office of Equal Opportunity according to the following schedule:

<u>MONTH</u>	<u>DATE DUE</u>
DEC 2009	JAN 21, 2010
JAN 2010	FEB 23, 2010
FEB 2010	MAR 23, 2010
MAR 2010	APRIL 21, 2010
APR 2010	MAY 21, 2010
MAY 2010	JUNE 22, 2010
JUN 2010	JULY 21, 2010
JUL 2010	AUG 24, 2010
AUG 2010	SEPT 21, 2010
SEPT 2010	OCT 21, 2010
OCT 2010	NOV 23, 2010
NOV 2010	DEC 21, 2010
DEC 2010	JAN 21, 2011